# *Deontic Morality and Control*

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# *Contents*

# 1

# *Introduction*

## TWO PARALLEL RIDDLES

Very many of us are convinced that on numerous occasions in our lives we perform actions that are morally right, or wrong, or obligatory. But the seemingly innocuous view that our actions have such moral statuses may not be as secure as we initially believe. I want to generate a riddle about this view that, in many respects, bears striking resemblance to a much more widely known riddle. It will be helpful to start by saying something about this other riddle in order better to appreciate the new riddle.

The venerable old riddle is the riddle about freedom and responsibility. Though fascinating and deeply puzzling, its essentials are easy to grasp. Almost all of us believe that people have been and will be morally responsible for at least some of their behavior. But suppose causal determinism – roughly, the view that all the facts of the past, in conjunction with all the laws of nature, entail one unique future – is true.[1] Then it seems that, at each instant, we would lack genuinely open alternatives; contrary to popular belief, there would be no time at which we could do other than what we in fact did at that time. Causal determinism threatens our very natural picture of the future as a garden of forking paths. Perhaps a more apt figurative representation of what our lives, including our futures, would be like if causal determinism is true is captured by the image of trains chugging along the predestined grooves of a nonbranching trunk line (see Feinberg 1980: 36–7).

In addition, if determinism is true, all our thoughts, choices, and actions are simply events deterministically caused by others in a long sequence of such events, the inaugural members of which, presumably, originated

with the birth of the universe. But if such is the case, then, arguably, we never ultimately initiate our actions; we are simply one transitional link in an extended deterministic chain that has its beginnings in the big bang.[2]

So it seems that causal determinism is incompatible both with the sort of control or freedom that involves genuinely open options – it expunges alternative possibilities – and persons being ultimate initiators of their actions – it undermines "ultimate" agency or responsibility. No wonder, then, that many have thought that determinism and responsibility are incompatible. For responsibility, it might plausibly be supposed, *does* require that we have the sort of control over our behavior that involves freedom to do otherwise and that we be the "ultimate sources" of our actions.[3]

This puzzle about freedom and responsibility swells with bewilderment because the falsity of determinism seems to imply nonresponsibility as well. The reasoning here is again fairly elementary. If determinism is false, then it looks as though at least some of our behavior must issue from choices, decisions, or other elements in the pathway of events culminating in that behavior that is undetermined in, roughly, this sense: Given *exactly* the same past and the laws of nature, one could have made a choice or decision other than the choice or decision that one actually made. So, for instance, in a world in which determinism is false and my choice is nondeterministically caused, it could happen that, torn between the delights of exploring Flanders on a fine sunny spring day and writing this chapter, although I decide to write, I could, right up to the moment just before this decision, have decided to explore, given exactly the same laws of nature and past circumstances that include all my prior reasons to write. But then my decision to write looks for all the world as though it is a matter of luck; "dumb luck" as Alfred Mele (1999a) says. If there is nothing about my powers, capacities, states of mind, character, and the like that explains why I decide to write rather than to explore, the undetermined decision that I do make really does smack of luck. Such luck seems incompatible with moral responsibility. So although indeterminacy in actional pathways culminating in behavior might free us from domination of the past, we might wonder how it could possibly help to ensure that the reigns of control are now securely in our hands. The denial of determinism ("indeterminism"), thus, seems just as irreconcilable as determinism is with responsibility.

This celebrated old riddle is not of primary concern to me in this book. Rather, as I suggested earlier, it serves as a springboard to launch an analogous new riddle about moral statuses such as rightness, wrongness, and obligatoriness, on the one hand, and determinism and indeterminism,

on the other. The parallel between the two riddles can be brought out perspicuously in this fashion. Use the label "primary deontic properties" to refer to the moral properties of rightness, wrongness, and obligatoriness, and call any act that instantiates one or more of these properties a "deontic act" or a "(moral) deontic anchor." The set of deontic acts comprises "deontic morality."

The dilemma concerning freedom and moral responsibility can be expressed in this way: (1MR) If determinism is true, then no one has control over one's actions. Similarly, (2MR), if indeterminism is true, then no one has control over one's actions. Now, (3MR), either determinism or indeterminism is true. Hence, (4MR), no one has control over one's actions. The freedom-relevant component of responsibility says that, (5MR), one is morally responsible for one's actions only if one has control over those actions. It follows that, (6MR), no one is morally responsible for one's actions.

This argument, I believe, can be modified so that it poses a dilemma concerning moral obligation, right, and wrong as follows. Premises (1MR)–(4MR) remain unchanged. The lemma (4MR) implies that whether determinism or its denial is true, no one has control over one's actions. The revised fifth premise says that it is morally obligatory, right, or wrong for one to perform some action only if one has control over it. The troubling new conclusion, then, is that no action is such that it is morally obligatory, right, or wrong for one.

Let's put some flesh on this bare-bones sketch of the riddle about freedom and deontic morality, but only enough to kindle confidence that there really *is* a dilemma here worth exploring. Just as it is eminently reasonable to suppose that responsibility requires control – no one, for example, can be morally responsible for an action if one does not have "responsibility-grounding control" over the action – so it is reasonable to suppose that no one can perform an action that is morally right, or wrong, or obligatory unless one has appropriate "deontic-grounding control" over it. So, for instance, if Leno the lifeguard has been shackled to his seat against his will, and, as a result, he cannot save the child, we don't think that he is under any moral obligation to save the child. He is free of any such obligation in his circumstances as, roughly, one is under an obligation to do something only if one is free to do that thing or one has control over doing that thing. 'Ought,' we believe, implies 'can.' Analogously, had Leno intended not to save the child but unbeknownst to him he could not have saved the child even if he had wanted to, then it seems that his failing to save the child is not wrong, again, because in order for an action

to be wrong for an agent, the agent must be able to control the action in an appropriate way.

One promising strategy to establish the incompatibility of determinism and deontic morality proceeds by arguing that no actions can be right (or wrong, or obligatory) for a person unless that person was free to do otherwise. Exploiting this strategy, it is relatively straightforward to show that there is a requirement of alternative possibilities for moral wrongness; that is, no one can perform an action that is wrong unless one could have refrained from performing it. For suppose the principle that 'ought' implies 'can' *is* true. The principle says that if one ought to do something, then one can do it; and if one ought to refrain from doing something, then one can refrain from doing it. So we have:

> **K**: Agent *S* has a moral obligation to perform [to refrain from performing] action *A* (where *A* ranges over omissions as well) only if *S* can perform [refrain from performing] *A*.

There is another stock principle of moral obligation that connects obligation with wrongness. It says that one has a moral obligation to do something if and only if it is wrong for one not to do that thing. The principle can be reformulated in this way:

> **OW**: Agent *S* has a moral obligation to perform [to refrain from performing] action *A* if and only if it is morally wrong for *S* to refrain from performing [to perform] *A*.

Now, given **OW**, if it is wrong for one to do something, then it is obligatory for one to refrain from doing that thing. So, for instance, if it is wrong for Augustine to steal the pears, then it is obligatory for him to refrain from stealing them. Further, given **K**, if it is obligatory for one to refrain from doing something, then one can refrain from doing it. Hence, if it is obligatory for Augustine to refrain from stealing the pears, he can refrain from stealing them. It follows that if it is wrong for Augustine to steal the pears, then he can refrain from stealing them. Generalizing, if it is wrong for one to do something, then one can refrain from doing that thing.

We can put the point crisply in this way. **OW** and **K** yield the further principle that there is a requirement of alternative possibilities for wrong actions:

> **WAP**: It is morally wrong for *S* to perform [to refrain from performing] *A* only if *S* can refrain from performing [perform] *A*.

**WAP** implies that no one is able to perform an action that is wrong unless one is able to refrain from performing it.

Suppose determinism is true and no one has freedom to do otherwise. Then, given **WAP**, it appears (bracketing, for now, a complication to be introduced and dealt with later), no actions of any person are wrong. Further, if some action *A* in a determined world is obligatory for some person, then failing to do *A* is wrong for that person in that world. But it is false that any action (or omission) in such a world is wrong for any person, and so it is false that failing to do *A* is wrong for that person. Hence (again, overlooking a complication to be handled later), determined worlds, it appears, will be devoid of acts that are obligatory or wrong.

Consider, now, an indeterministic world in which some of our decisions and choices are nondeterministically caused. Assume that the decision to do one thing or another, like writing or exploring, is undetermined right up to the very moment before one or the other of these mental events actually occurs. In other words, assume that it is causally open, right up to the moment just prior to what one has decided, whether one will decide to write or to explore. Then it seems that the decision made and the subsequent behavior that occurs are infused with luck. But just as luck of this sort appears incompatible with moral responsibility, so one might think, luck of this sort is incompatible with deontic morality. How can the making of my decision be right, wrong, or obligatory if it is simply a matter of luck that I made one particular decision and not some other on a certain occasion? Hence, in an indeterministic world of this sort, deontic anchors appear to fall by the way as well.

## PRIMARY GOALS

My primary overall goals can now be recorded. First, as I have mentioned, my hope is to develop, with as much clarity as I can muster, a (somewhat) new riddle or dilemma about freedom and deontic morality that closely mirrors the grand old one about freedom and responsibility. A careful, detailed presentation of the new dilemma is desirable for a number of reasons. For one thing, a revealing formulation of this dilemma demands detailed inquiry into the sort of control required by deontic anchors, and this, I believe, is a worthy philosophical task. For another thing, by conscientiously exposing the presuppositions of the premises of the argument regarding the dilemma of freedom and deontic anchors (much as we have been doing and continue to do with the argument concerning the dilemma of freedom and responsibility), we will be in a better position

to assess these premises and to develop responses. Compatibilists about freedom and deontic anchors may want to try their hand at showing how such anchors are compatible with determinism; incompatibilists may want to argue to the contrary; and libertarians may undertake to convince us that the type of freedom required for deontic anchors is incompatible with determinism but that human beings sometimes perform actions that are right, or wrong, or obligatory. It would be premature to begin to respond to the new dilemma in any one of these or other ways unless its various nuances have been exposed and understood.

Compatibilists about freedom and responsibility claim that causal determinism is compatible with moral responsibility. Some compatibilists, "semicompatibilists," defend the interesting position that whereas causal determinism is incompatible with freedom to do otherwise, it is nevertheless compatible with responsibility.[4] It strikes me that the "deontic" analogue to semicompatibilism, the view that determinism is incompatible with its being the case that one could have done otherwise and yet compatible with its being the case that one's actions have at least one of the primary deontic properties of obligatoriness, rightness, and wrongness, is false.

This brings me to my second overall goal. I aim to argue that promising compatibilist strategies, like that of the semicompatibilist, to show that determinism does not threaten moral responsibility, are ineffective in shielding deontic anchors from the clutches of determinism. Thus, for example, even if semicompatibilism affords some comfort to those who seek to defend moral responsibility against the threat of determinism, its analogue cannot be relied on to defend moral obligatoriness, rightness, or wrongness against this same threat. I do, then, take a stance on the whole issue of compatibility: I intend to argue that it is highly plausible that determinism is indeed incompatible with deontic morality. For all we yet know, our world is a deterministic one, and if it is, we are without deontic anchors.

A third fundamental goal is to propose that there is some measure of hope that the new dilemma *can* be evaded but not in a fashion compatibilists would find congenial. To elaborate, one intriguing response to the dilemma concerning freedom and responsibility is the response of the modest libertarian. The basic aim of modest libertarianism is to specify the sort of control that suffices for moral responsibility without appealing to metaphysically exotic agents, such as Kantian noumenal selves, or forms of causation like agent-causation. I believe, and will defend the view, that the most sophisticated and robust versions of this type of libertarianism do not

succeed in achieving this aim. They fail, in part, because they run afoul of the problem of luck. However, I also believe, somewhat paradoxically, that these sorts of libertarian theories hold the key to accommodating deontic morality. The type of luck entailed by these theories may threaten responsibility but not deontic morality. My stance, then, will be that whereas determinism is incompatible with deontic morality, indeterminism (or more specifically, a version of an "indeterministic theory") – even with its burden of luck – is compatible with such morality.

It is reasonable to suppose that there are close conceptual connections between moral responsibility and deontic anchors. So, for instance, Susan Wolf has argued that the sort of control required for moral responsibility is the ability to do the morally right thing for the morally right reasons. The question of whether we have this ability, she says, "is not so much a metaphysical one as a metaethical, and perhaps also an ethical one" (1990: p. 71). So on Wolf's view, there is a close tie between the type of control needed for moral responsibility and deontic anchors. Others have contended that one cannot be morally blameworthy for performing an action unless that action is morally wrong,[5] and analogously, one cannot be morally praiseworthy for performing an action unless that action is morally obligatory or at least morally right. Again, according to these theorists, there are intimate conceptual links between responsibility and deontic anchors. A fourth goal of mine is to examine some of these proposed connections and inquire into others, primarily with an eye toward exploring whether moral responsibility stands or falls with deontic morality. Can, for example, persons be genuinely morally responsible for at least some of their behavior in a world in which no behavior is morally right, wrong, or obligatory?

Related to the second and third goals is a fifth: I introduce two "asymmetry theses," one concerning an asymmetry in control requirements for responsibility and deontic anchors, and the other concerning an asymmetry in "agency presuppositions" of responsibility and deontic anchors. The first says that whereas there is a requirement of alternative possibilities for deontic anchors, there is no such requirement for responsibility. (If this thesis is correct, "semicompatibilism" with respect to deontic anchors is not a viable position.) So although there is, I believe, a close parallel between the dilemma of freedom (or control) and responsibility and that of freedom (or control) and deontic anchors, control requirements for deontic anchors differ from those for moral responsibility. This, if anything, renders the dilemma of freedom and deontic anchors more incisive than that of freedom and responsibility. Regarding this first thesis, I will defend

only the part of it that says that there is a requirement of alternative possibilities for deontic anchors; the other part concerning responsibility is something that I believe is true. But I will not undertake a full defense of it in this work.[6] The part of the first thesis that I do defend bears directly on whether determinism is compatible with deontic morality. For if determinism effaces alternative possibilities, and there is a requirement of alternative possibilities for deontic acts, then it follows that determinism is not compatible with deontic morality.

According to the second asymmetry thesis, the "agency presuppositions" of moral responsibility are stronger than those of deontic morality. The idea here, roughly, is that whereas one *cannot* be responsible for an action unless it is caused by things like beliefs, desires, and values that are "truly one's own" – they are not, for example, the product of surreptitious conditioning – one *can* perform an action that is right, or wrong, or obligatory even though its causal precursors are not truly one's own. This second thesis, as I will argue, has implications for whether versions of "indeterministic" theories can accommodate deontic anchors.

Finally, in a world without deontic anchors nothing can be morally right, or wrong, or obligatory but other sorts of moral appraisal could, presumably, still be duly made. For instance, persons' actions could still be intrinsically good or bad, or persons could still act "out of" or "from" kindness, or generosity, or, more generally, they could still act from virtue. What, then, it might be queried is so important about deontic moral appraisals, and what loss would be suffered if, for example, deterministic worlds were indeed bereft of deontic morality?

These orienting aims are intended to guide the reader by directing attention to the overall themes of this work. For further guidance, the book divides into three principal parts: The first (Chapters 2–5) establishes the incompatibility of determinism with deontic morality, the second (Chapters 6–8) substantiates the compatibility of a certain version of indeterminsitic theory with deontic morality, and the third (Chapters 9–13) addresses the significance of the possibility of being deprived of deontic anchors.

## PROSPECTUS

It will be helpful to start with an overview of each chapter. Deontic anchors require control; one cannot, for example, perform an action that is obligatory unless one has control over it. In Chapter 2, I begin with a fundamental principle of deontic control, principle **K** or the principle that

'ought' implies 'can.' The sense of 'ought' or 'obligation' in this principle is clarified as is the sense of 'can.' In addition, different versions of the principle are identified and examined.

In Chapter 3 a complement to **K**, the principle that if one ought to do something, then one can refrain from doing it (**CK**), is defended. This principle, together with various other deontic ones like **K**, **OW**, and **WAP**, are enlisted to argue for a crucial asymmetry between the concepts of moral responsibility (praise- and blameworthiness) and those of deontic morality (obligation, right, and wrong), to the effect that even if moral responsibility is possible in the absence of freedom to do otherwise, deontic morality is not.

Despite rebuttal in the literature of various objections against **K**, many people still regard **K** with a good deal of suspicion.[7] But principle **K**, as we shall see, plays a central role in the dilemmatic argument for freedom and deontic anchors. The argument's reliance on **K** may, consequently, appear to compromise its interest. Still, although **K** is controversial and rejected by many, it is widely accepted by others; indeed, some accord it the status of a deontic axiom. It may, then, prove instructive to those who find **K** plausible to see how **K** fuels the riddle about freedom and deontic anchors. I do, though, in Chapter 4, consider recent objections to **K** that I believe are especially relevant to the concerns of this work and I explain why they fail. In addition to defending **K**, **OW** is defended as well.

In Chapter 5, I introduce the following argument that is one of the primary arguments of this book: No one can perform an action that is right, wrong, or obligatory unless one could have done otherwise. This is because deontic anchors require alternative possibilities. In addition, no one can do other than what one in fact does in a determined world. This is so because in a determined world, the laws of nature and the past preclude agents from doing other than what they in fact do. It follows from these two premises that deterministic worlds are without deontic anchors.[8] Discussion in Chapter 5 focuses, in large measure, on the second premise, that determinism rules out alternative possibilities. Even if we conclude that this premise is controversial, it may still be true. And once again, taking a charitable approach, it would be useful to see what lessons can be discovered about deontic anchors on the assumption that this premise about determinism is true.

In the first chapter of Part II (Chapter 6), I discuss and reject a modest form of libertarianism to which some might appeal to accommodate deontic anchors. This sort of libertarianism positions indeterminacy relatively early in the causal trajectory of an action at the point, roughly,

between an agent's reasoning concerning a prospective action of hers and the formation of a best judgment regarding that action. In Chapters 7 and 8, I consider a more robust form of libertarianism that places indeterminacy relatively late in the causal pathway of an action, at the juncture between the consideration of reasons and the making of a decision. I argue that such libertarianism probably cannot accommodate moral responsibility but can accommodate deontic morality, since (contrary to what is often maintained) it can accommodate the freedom to do otherwise but cannot accommodate the sort of self-expression required by moral responsibility (but not required by deontic morality).

In Chapter 9 (the initial chapter of Part III), I begin scrutiny of the significance of the fact, if it is one, that no action is morally obligatory, right, or wrong. I propose that one cost of being deprived of deontic anchors is that, without these anchors, we would have no rational grounds for such reactive attitudes as indignation, resentment, and forgiveness.

I argue in Chapter 10, for the independence of the concepts of moral responsibility from those of deontic morality, based on considerations concerning supererogation and suberogation. Among other things, the discussion in this chapter contributes to diffusing an argument for the view that a world without deontic morality is a world without moral responsibility.

In Chapter 11 I discuss and reject the claim that the concepts of virtue and vice can both escape the new dilemma and replace the concepts of moral rightness, wrongness, and obligatoriness. The discussion highlights another cost of being deprived of deontic anchors: Without such anchors, deontic moral appraisals are not possible.

I inquire in Chapter 12 into whether moral obligation overrides nonmoral obligation and whether, if so, this would enhance the significance of no action's being morally obligatory, right, or wrong.

Finally, in Chapter 13 I expose one further cost associated with no action's being morally obligatory, right, or wrong: In a world without deontic anchors, no persons would be "sources" (in a fashion to be explained) of deontic morality. I conclude with some reflections on my view that certain robust versions of libertarianism can accommodate deontic morality but not moral responsibility.